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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

| | | |
|---|---|--|
| REYMUNDO PEREZ and JERREL DOANE, individually and on behalf of others similarly situated and on behalf of the general public, |) | Case No. C 05-05338 PJH |
| |) | STIPULATION AND PROPOSED ORDER |
| |) | VACATING PRE-TRIAL AND TRIAL |
| |) | DATES AND SETTING CASE |
| Plaintiffs, |) | MANAGEMENT CONFERENCE |
| |) | |
| v. |) | |
| |) | |
| SAFETY-KLEEN SYSTEMS, INC., a Wisconsin corporation, and DOES 1 through 100, inclusive, |) | |
| |) | |
| Defendant. |) | |

1 Trial is presently scheduled for April 13, 2009. The first pre-trial event is to meet and
2 confer regarding a pretrial conference statement no later than February 7, 2009.

3 In settlement conferences with Magistrate Judge Edward Chen, the parties have settled all
4 matters presently scheduled for trial, with the sole exception of the matter of attorney's fees to
5 the prevailing party. Doc. 175. The parties are continuing to work with Magistrate Judge Chen
6 on the matter of attorney's fees. Docs. 177, 179. In the event the parties are unable to resolve
7 their dispute over attorney's fees, plaintiffs would move the Court for an award of attorney's
8 fees, and the parties would brief the motion. Accordingly, the parties agree that the present dates
9 for trial and pretrial proceedings should be vacated, and they so stipulate.

10 The settlement provides for a recovery by the class on plaintiffs' Labor Code § 226 claim
11 (itemized wage statement). Pursuant to Fed.R.Civ. Proc 23, the settlement will need to be
12 presented to the Court for preliminary and final approval. Plaintiffs wish the motion for
13 preliminary approval to proceed regardless of the status of the settlement discussions concerning
14 attorney's fees, as the settlement of the Labor Code § 226 claim is not contingent on resolution
15 of the fee dispute. Defendant believes the motion for preliminary approval should include the
16 matter of attorney's fees and that, accordingly, the motion should await resolution of the
17 attorney's fees dispute. For the purpose of resolving that particular dispute, the parties request a
18 further case management conference to be held on Thursday, January 29, 2009, at 2:30 p.m., or
19 on such date and time as mutually convenient. In the event, the matter of attorney's fees is
20 settled before the case management conference, the parties will so notify the court.

21 DATED: January 13, 2009

SEYFARTH SHAW LLP

22 /s/ Robert W. Tollen

23 Robert W. Tollen
24 Attorneys for Defendant
SAFETY-KLEEN SYSTEMS, INC.

1 DATED: January 13, 2009

EDGAR LAW FIRM
THE LAW OFFICE OF BARRON RAMOS
HENDERSON & CAVERLY

3 /s/ Jeremy R. Fietz

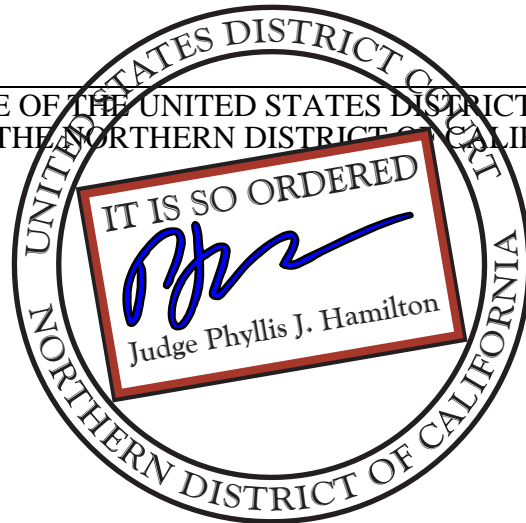
Jeremy R. Fietz
Attorneys For Plaintiffs
STEVEN WAMBOLDT, et al.

7 IT IS SO ORDERED.

8
9 Case Management Conference is set for _ June 29, 2009 , at 2:30 p.m.

11 DATED: 1/14/09

12 JUDGE OF THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA



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